

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

LESHONDA CEPHAS	*	CIVIL ACTION NO: 1:23-CV-01754-
	*	
	*	
VERSUS	*	JUDGE DEE D. DRELL
	*	
NATCHITOCHES NURSING & REHABILITATION CENTER, LLC, ET AL	*	MAG. JUDGE JOSEPH H L PEREZ-MONTES

**PLAINTIFF’S MOTION FOR LEAVE TO FILE FIRST
SUPPLEMENTAL AND AMENDING COMPLAINT**

NOW INTO COURT, through undersigned counsel, comes Plaintiff, **LESHONDA CEPHAS**, who respectfully requests leave of Court to file the attached First Supplemental and Amending Complaint, for the following reasons:

1. Plaintiff filed a Petition for Damages in the 10th Judicial District Court for the Parish of Natchitoches, State of Louisiana on October 31, 2023 against defendants Natchitoches Nursing and Rehabilitation Center, LLC (“Natchitoches Nursing”), ABC Insurance Company and Jane Doe. The case was subsequently removed by Defendant Natchitoches Nursing on December 13, 2023.
2. Plaintiff’s First Supplemental and Amending Complaint seeks to substitute and add additional named party defendants in place of “Jane Doe” who was named in the original petition.
3. According to Federal Rule of Civil Procedure 15(a) and the U.S. Fifth Circuit Court of Appeals, leave to amend should be granted liberally and freely. *Robertson v. Plano City of Texas*, 70 F.3d 21, 22 (5th Cir. 1995).

4. The defendants added in the proposed First Supplemental and Amending Complaint for Damages are Susan Menard, Tycianna Caldwell, Jena Brazil and Jacqueline Pouncy, who are employees of Natchitoches Nursing and Rehabilitation Center, LLC. Tycianna Caldwell resides in Coushatta, Louisiana and is a citizen of Louisiana. Jena Brazil resides in Provencal, Louisiana and is a citizen of Louisiana. Jacqueline Pouncy resides in Shreveport, Louisiana and is a citizen of Louisiana. Susan Menard resides in and is a citizen of Rapides Parish, Louisiana.

5. Plaintiff acknowledges that the addition of Susan Menard, Tycianna Caldwell, Jena Brazil and Jacqueline Pouncy as parties will destroy complete diversity in this action.

6. When an amendment after removal from state court would destroy subject matter jurisdiction, 28 U.S.C. § 1447(e) applies. *See Brunet v. Southern Fidelity Insur. Co.*, 21-2308 (E.D. LA July 14, 2023), 2023 WL 4541114. Section 1447(e) provides, “If after removal the plaintiff seeks to join additional defendants whose joinder would destroy subject matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to the State Court.” 28 U.S.C. § 1447(e).

7. With the addition of defendants Susan Menard, Tycianna Caldwell, Jena Brazil and Jacqueline Pouncy as parties, subject matter jurisdiction is destroyed and this matter should be remanded back to state court.

8. Plaintiff, Leshonda Cephas, assures the Court that the filing and granting of this Motion and the filing of the attached First Supplemental and Amending Complaint will not unduly delay or otherwise interfere with the timely disposition of the principal demand.

9. Pursuant to L.R. 7.4.1, on January 29, 2024, Plaintiff’s counsel asked counsel for Natchitoches Nursing for consent for the filing and granting of this motion for leave. Counsel for Defendants objects to the granting of this motion for leave.

WHEREFORE, Plaintiff, Leshonda Cephas, respectfully requests that this Honorable Court grant leave of court in order to file Plaintiff's First Supplemental and Amending Complaint in order to add new defendants, and, subsequently this Court should remand this matter back to state court.

Respectfully Submitted:

LABORDE EARLES LAW FIRM, LLC.

By: /s/ Nicholas R. Rockforte

NICHOLAS R. ROCKFORTE, Bar #31305

Email: service@onmyside.com

MARY K. CRYAR, Bar#24062

SCOTT F. HIGGINS, Bar#26924

M. BENJAMIN ALEXANDER, Bar#29065

KRISTEN B. GUIDRY, Bar#25791

1901 Kaliste Saloom Road

P.O. Box 80098

Lafayette, Louisiana 70598-0098

Phone: 337-261-2617

Fax: 337-261-1934

Attorneys for Plaintiff, LESHONDA CEPHAS

**For all non-service-related communication Please direct to Nicholas@onmyside.com*

CERTIFICATE OF SERVICE

I hereby certify that I have on this 31st day of January, 2024, electronically filed the foregoing pleading with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all parties to this proceeding.

/s/ Nicholas R. Rockforte

NICHOLAS R. ROCKFORTE